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JAN 14 2010  
TEXAS

CLERK, U.S. DISTRICT COURT

By \_\_\_\_\_ Deputy \_\_\_\_\_

## United States District Court

NORTHERN

DISTRICT OF

UNITED STATES OF AMERICA

V.

## CRIMINAL COMPLAINT

JACK ZIMMERMAN

CASE NUMBER: 3-10-MJ-6

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 2, 2009, in Dallas Division of the Northern District of Texas defendant(s),

knowingly used, persuaded, induced, and enticed, CG, a person under the age of eighteen (18) years, to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, which were produced using materials that had been mailed, shipped, and transported in interstate or foreign commerce by any means, including by computer,

in violation of Title 18, United States Code, Section(s) 2251(a).

I further state that I am a(n) Special Agent with the U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE) and that this complaint is based on the following facts:

See attached Affidavit of Special Agent, U.S. Department of Homeland Security, Immigration and Customs Enforcement, Noel Jones, (ICE) which is incorporated and made a part hereof by reference.

Continued on the attached sheet and made a part hereof: X Yes No



\_\_\_\_\_  
Signature of Complainant  
NOEL R. JONES  
Special Agent, ICE

Sworn to before me and subscribed in my presence, on this 14 day of January, 2010, at Dallas, Texas.

IRMA C. RAMIREZ  
UNITED STATES MAGISTRATE JUDGE  
Name & Title of Judicial Officer



\_\_\_\_\_  
Signature of Judicial Officer

AFFIDAVIT

I, Noel R. Jones, being duly sworn, declared and state as follows:

1. I am a special agent with the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE), assigned to the Special Agent in Charge, Dallas, Texas. I have been employed with ICE as a special agent since December 2003. As part of my duties as an ICE agent, I investigate criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2251 and 2252A. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review thousands of examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I have been involved in numerous child pornography investigations and am very familiar with the tactics used by child pornography offenders to receive, collect, hide and distribute child pornography.

2. This affidavit sets forth facts and suggest reasonable inferences from those facts, establishing that there is probable cause to believe that on or about December 2, 2009, in the Northern District of Texas, Jack ZIMMERMAN knowingly used, persuaded, induced, and enticed, CG, a person under the age of eighteen (18) years, to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, which were produced using materials

that had been mailed, shipped, and transported in interstate or foreign commerce by any means, including by computer, in violation of 18 U.S.C. § 2251(a).

3. The information contained in this affidavit is based on my personal knowledge and experience, my personal participation in this investigation, and information obtained from other law enforcement officers and/or agents. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that a violation of 18 U.S.C. § 2251(a) has been committed by Jack ZIMMERMAN.

#### OVERVIEW OF INVESTIGATION

4. In December 2009, Irving Police Department Detective (Det.) Stephen Lee contacted Affiant requesting assistance with the investigation of Jack ZIMMERMAN. ZIMMERMAN was arrested on December 11, 2009 for sexual assault of a minor. At the time of his arrest, child pornography images of an identified 14-year old, CG, were found on a digital camera belonging to ZIMMERMAN. The Irving Police Department provided the following information.

5. On December 10, 2009, Rita Garrett contacted the Irving Police Department to report the sexual abuse of her 14-year old granddaughter, hereinafter referred to as CG. Rita Garrett stated her granddaughter was in a sexual relationship with an adult male.

6. On December 10, 2009, Det. Lee interviewed CG. CG stated that since about November 2009, she has been having a sexual relationship with an adult male named "Jeff". CG explained she met "Jeff," who claimed he was 18-years old, in an internet chat room. "Jeff" later told CG he was 35-years of age. CG described "Jeff" as a heavy, white male with dark, short hair. CG stated she and "Jeff" had had at least nine face-to-face meetings, most of which resulted in sexual intercourse. "Jeff" would pick her up in his van at a parking lot off Esters Boulevard in Irving, Texas and then drive to another area of Irving to have sex inside the van. CG described the van as a reddish/orange van with dark tinted windows and a broken mirror on the drivers' side. CG further stated she was going to meet "Jeff" in the same parking lot on December 11, 2009 at 6:30 a.m. for a sexual encounter. CG acknowledged she told "Jeff" she was 14-years old. CG also stated that ZIMMERMAN used a digital camera and his cell phone to take pictures of her doing sexual things.

7. In the early morning on December 11, 2009, Irving police traveled to the reported meeting place and waited. At approximately 6:40 a.m., police observed a van that fit the description given by CG. A white male, later identified as 56-year old Jack ZIMMERMAN (DOB: xx/xx/1953), was driving the van. Police placed him under arrest. Police found a Polaroid digital camera and a Motorola cellular telephone in ZIMMERMAN's pocket at the time of his arrest.

8. Det. Lee conducted an interview of ZIMMERMAN. The interview was videotaped. After being verbally advised of his *Miranda Rights*,

ZIMMERMAN acknowledged, in writing, that he understood his rights, waived his rights, and agreed to speak with Det. Lee. When asked if he knew why he was arrested, ZIMMERMAN stated he believed he was arrested because of the girl he was going to meet named "Wendy". When asked about her, ZIMMERMAN initially claimed their relationship consisted of him picking her up and driving her to school. He claimed that about 30 days ago, he received a call from her out of the blue on his cellular telephone and they later met. ZIMMERMAN described the girl as an attractive, nice, black girl. He claimed she appeared to be 18-years old. Later, he admitted he knew her real name was CG.

9. When he was asked why he did not admit he knew the girl's real name, he said he did not admit to knowing her name at first because he was embarrassed and "sick in [his] mind". Det. Lee questioned ZIMMERMAN about his sexual relationship with CG. ZIMMERMAN admitted he was having a sexual relationship with CG and that he knew when he first met her that she was only 14. ZIMMERMAN further admitted that although he knew after their first encounter that CG was only 14-years of age, he continued to meet with her for sex.

10. Although ZIMMERMAN stated he was feeling guilty about his relationship with CG and claimed that this meeting (December 11, 2009) was going to be the last, he admitted he was bringing CG a gift at this meeting - a charger for her cell phone. ZIMMERMAN admitted he had sexual intercourse with CG five times. He claimed he had never had sex with a minor before, but admitted he had thought about it. ZIMMERMAN stated he has had no sexual urge

toward his wife for years and has a prostate problem that interferes with his sexual abilities. He claimed he was bored at home and decided to start chatting with girls on his cell phone. He stated the excitement of being with CG helped him become aroused and be able to have sex with her. ZIMMERMAN admitted he had been actively chatting with other girls on his cell phone, and although he claimed he had not had sex with these girls, several would send nude pictures of themselves to him via cell phone.

11. Det. Lee told ZIMMERMAN that CG stated there would be photographs of her "riding" him and her masturbating on the Polaroid Digital camera. ZIMMERMAN nodded and stated "yes, on the cell phone." Det. Lee then asked what kind of pictures would be found on the digital camera, ZIMMERMAN acknowledged there would be images like those described by CG (what Det. Lee described as CG "riding" him). The digital camera is a Polaroid i1236. It was manufactured in China.

12. Along with the consent to search other items, ZIMMERMAN gave Det. Lee written consent to search the Polaroid i1236 digital camera. A search was conducted on the Polaroid i1236 digital camera. 18 still images were found of CG. These images depicted CG engaged in sexually explicit conduct, including masturbation, oral sex on an adult male, and sexual intercourse with an adult male. The following are descriptions of three of these images.

a. Image 0009.jpg depicts CG performing oral sex on an adult male. CG appears to have her eyes shut and is holding a cellular telephone to

her right ear with her right hand. CG's left hand is gripping the adult male's penis. The adult male's left hand is placed behind the head of CG. This image has a date and time stamp of **2009/12/02 06:44** in the lower left corner.

- b. Image 0008.jpg depicts CG engaged in vaginal sexual intercourse with an adult male. The image shows the adult male penetrating CG from behind. The adult male's left hand is resting on the lower back of CG. This image has a date and time stamp of **2009/12/03 06:39** in the lower left corner.
- c. Image 0015.jpg depicts CG engaged in vaginal sexual intercourse with an adult male. The adult male is penetrating CG from the rear. This image has a date and time stamp of **2009/12/07 06:43** in the lower left corner.

13. ZIMMERMAN stated he did not post the pictures on the internet nor did he sell the pictures. ZIMMERMAN stated "I'm sick in my mind" but would not sell or post the pictures.

14. Irving Police also seized the following items from ZIMMERMAN at the time of his arrest:

- 2 Motorola Cellular Telephones
- 2 Motorola Boost Cellular Telephones
- Lexar Flash Drive

The preliminary results of the forensic examination on the cell phones and flash drive have revealed suspected child pornography images and numerous images of young, nude women and men whose age and identity are currently unknown. Many could be under the age of 18. In addition, one cell phone contained three videos depicting CG performing oral sexual intercourse on ZIMMERMAN. The video has sound. In at least one of the videos, ZIMMERMAN's voice can be heard instructing CG on how to pleasure him. ZIMMERMAN's cell phone revealed over 100 contacts with what appear to be other girls and/or young women with whom ZIMMERMAN has made contact.

#### CONCLUSION

Based on the foregoing facts and circumstances, I respectfully submit that there is probable cause to believe that on or about December 2, 2009, in the Northern District of Texas, Jack ZIMMERMAN knowingly used, persuaded, induced, and enticed, CG, a person under the age of eighteen (18) years, to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, which were produced using materials that had been mailed, shipped, and transported in interstate or foreign commerce by any means, including by computer, in violation of 18 U.S.C. § 2251(a).

I respectfully request that this Court issue a warrant for Jack ZIMMERMAN's arrest.

Noel R Jones  
Noel R. Jones  
Special Agent, Department of Homeland Security  
Immigration and Customs Enforcement

Subscribed and sworn before me this 14<sup>th</sup> day of January 2010.

Irma C. Ramirez  
Honorable Irma C. Ramirez  
United States Magistrate Judge